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EXAMINER

DUONG, THOMAS

ART UNIT

PAPER NUMBER

2145

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/759,926

Applicant(s)

BERKOWITZ ET AL.

Examiner

Thomas Duong

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This office action is in response to the applicants Amendment filed on September 8, 2005. *Claims 1-34* are presented for further consideration and examination.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. *Claims 1-17 and 20-32* are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill et al. (US006738803B1) and in view of Pickering (US006704708B1).

4. With regard to *claims 1 and 20*, Dodrill discloses,

- *receiving voice application data over the network regarding the voice applications, wherein the voice application data includes location data to indicate where the voice applications are located on the network;* (Dodrill, col.8, lines 1-14, lines 54-67)

Dodrill teaches of receiving and storing XML pages that defines voice applications.

- *storing in a database the voice application data in accordance with a predetermined voice application taxonomy;* (Dodrill, col.8, lines 1-14, lines 54-67)

Dodrill discloses *"the application server 66 may store for each existing session a data record, referred to as a 'brownie', that identifies that state of the existing session; hence, the application server 66 can instantiate a procedure, return the necessary data"* (Dodrill, col.8, lines 8-12). According to Dodrill, *"the XML pages are stored as XML applications and functions 96, for example within a database accessible by the application server 66. The XML pages stored as static pages to be fetched by the web server 64 and supplied to a browser, however, the XML pages may also define the actual application to be executed by the application server 66 in runtime"* (Dodrill, col.8, lines 59-66).

- *retrieving from the database the location data of at least one voice application* (Dodrill, col.8, lines 1-14, lines 54-67)

Dodrill discloses *"the application server 66 may store for each existing session a data record, referred to as a 'brownie', that identifies that state of the existing session; hence, the application server 66 can instantiate a procedure, return the necessary data"* (Dodrill, col.8, lines 8-12). According to Dodrill, *"the XML pages are stored as XML applications and functions 96, for example within a database accessible by the application server 66. The XML pages stored as static pages to be fetched by the web server 64 and supplied to a browser, however, the XML pages may also define the actual application to be executed by the application server 66 in runtime"* (Dodrill, col.8, lines 59-66).

However, Dodrill does not explicitly disclose,

- *receiving a request for a voice application based upon a user requiring a telephony service, wherein the request includes search criteria for selecting a voice application from the database; and*

Art Unit: 2145

- *whose stored voice application data substantially satisfies the search criteria; wherein the voice application located at the retrieved location data is used to perform the user-requested telephony service.*

Pickering teaches,

- *receiving a request for a voice application based upon a user requiring a telephony service, wherein the request includes search criteria for selecting a voice application from the database; and (Pickering, col.1, lines 21-33; col.2, lines 15-17)*

Pickering discloses “a method for processing in an interactive voice processing system comprising: receiving a voice signal from user interaction” (Pickering, col.2, lines 15-17).

- *whose stored voice application data substantially satisfies the search criteria; wherein the voice application located at the retrieved location data is used to perform the user-requested telephony service. (Pickering, col.1, lines 10-45; col.10, lines 10-42)*

Pickering teaches of providing a response to the user's request “based on performing a search using keywords of the estimated text” (Pickering, col.10, lines 41-42), wherein the estimated text is derived from the voice input of the user. In addition, according to Pickering, in a banking application using interactive voice response with speech recognition a “voice signal is acquired and speech recognition is performed on the voice signal to create text [and] once the speech recognition is finished and the text is formed is the text response analyzed and processed for a result” (Pickering, col.1, lines 36-39). Finally, “this

result is passed to a banking application to search and provide the answer"

(Pickering, col.1, lines 44-45).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of Pickering with the teachings of Dodrill to *"enable voice applications to be implemented on an IP packet switched network using the open standards-based flexibility of the IP network"* (Dodrill, col.4, lines 35-36) by providing a method for processing in an interactive voice processing system that is able to acquire the user's voice input, process and analyze it, search the database for the matching voice enabled application, and executing the requested application to provide an answer to the user.

5. With regard to claims 2, 11-12, 21 and 30, Dodrill and Pickering disclose,

- *wherein the voice application data includes voice application operational requirement data, said method further comprising the steps of:*
 - *receiving from a telephony server telephony server attribute data, wherein the telephony server is an interface between the user and the database; and*
(Dodrill, col.9, lines 16-61)
 - *retrieving from the database the location data of at least one voice application whose voice application operational requirement data substantially satisfies the telephony server attribute data.* (Dodrill, col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.10, lines 10-42)

6. With regard to claims 3 and 22, Dodrill and Pickering disclose,

Art Unit: 2145

- *wherein the voice application data includes voice markup language data which indicates type of voice markup language used in the voice applications, said method further comprising the step of:*
 - *retrieving from the database the location data of at least one voice application whose voice markup language data substantially satisfies the search criteria.*
(Dodrill, col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.10, lines 10-42)
7. With regard to claims 4 and 23, Dodrill and Pickering disclose,
- *wherein the voice application data includes speech engine requirement data, said method further comprising the steps of:*
 - *receiving from a telephony server telephony server attribute data which indicates which speech engines are operational within the telephony server; and* (Dodrill, col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
 - *retrieving from the database the location data of at least one voice application whose speech engine requirement data substantially satisfies the telephony server attribute data.* (Dodrill, col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
8. With regard to claims 5-9 and 24-28, Dodrill and Pickering disclose,

- *wherein the voice applications are VoiceXML applications* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
 - *wherein the network is a global communications network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
 - *wherein the network is an Internet network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
 - *wherein the location data is a Uniform Resource Locator (URL) which indicates where on the network the voice applications are located on the Internet network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
 - *wherein the database is a relational database.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
9. With regard to claims 10 and 29, Dodrill and Pickering disclose,
- *wherein the voice application taxonomy includes classifications selected from the group consisting of required speech engine resources, required telephony resources, required telephony markup language, required application server environment, and combinations thereof* (Dodrill, col.7, lines 46-67; col.8, lines 1-

Art Unit: 2145

14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.2, lines 15-22;
col.3, line 33 – col.4, line 3; col.10, lines 10-42)

10. With regard to claims 11-12 and 30, Dodrill and Pickering disclose,

- *further comprising the step of: receiving the request for a voice application through a telephony server that is connected to the user.* (Pickering, col.1, lines 21-33; col.2, lines 15-17)
- *wherein the search criteria includes the nature of the telephony service requested by the user.* (Pickering, col.1, lines 10-45; col.10, lines 10-42)

11. With regard to claims 13-14 and 31-32, Dodrill and Pickering disclose,

- *further comprising the step of: providing the voice application data through a graphical user interface that is in data communication with the network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)
- *wherein the graphical user interface allows retrieving location data of at least one of the voice applications based upon criteria specified through the graphical user interface.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; Pickering, col.1, lines 10-45; col.2, lines 15-22; col.3, line 33 – col.4, line 3; col.10, lines 10-42)

12. With regard to claims 15-17, Dodrill and Pickering disclose,

Art Unit: 2145

- *reviewing the voice application data to ensure accuracy of the voice application data.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; col.12, lines 47-59)
 - *reviewing the voice application data to verify the location data of the voice applications on the network.* (Dodrill, col.7, lines 46-67; col.8, lines 1-14, lines 54-67; col.9, lines 16-61; col.12, lines 47-59)
13. Claims 18-19 and 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dodrill et al. (US006738803B1), in view of Pickering (US006704708B1), and further in view of DaCosta et al. (US006665658B1).
14. With regard to claims 18-19 and 33-34, Dodrill and Pickering disclose,
- Dodrill and Pickering teaches claims 1 and 20 as detailed above.
- However, Dodrill and Pickering do not explicitly disclose,
- *sending on the network an automated searching spider to locate and index additional voice applications that are located on the network.*
 - *wherein the spider is sent when a search of the database does not retrieve based upon the search criteria any location data for the voice applications.*
- DaCosta teaches,
- *sending on the network an automated searching spider to locate and index additional voice applications that are located on the network.* (DaCosta, col.2, lines 45-61; col.6, lines 21-40)

Art Unit: 2145

- *wherein the spider is sent when a search of the database does not retrieve based upon the search criteria any location data for the voice applications.*

(DaCosta, col.2, lines 45-61; col.6, lines 21-40)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to combine the teachings of DaCosta with the teachings of Dodrill and Pickering to *"enable voice applications to be implemented on an IP packet switched network using the open standards-based flexibility of the IP network"* (Dodrill, col.4, lines 35-36) by providing a method for processing in an interactive voice processing system that is able to acquire the user's voice input, process and analyze it, search the database for the matching voice enabled application, and executing the requested application to provide an answer to the user. In addition, DaCosta teaches of locating additional resources when necessary.

Response to Arguments

15. Applicant's arguments, see pg.2 – pg.6, filed September 9, 2005, with respect to *claims 1-34* have been fully considered and are persuasive. The previous rejection has been withdrawn.

Conclusion


16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Duong whose telephone number is 571/272-3911. The examiner can normally be reached on M-F 7:30AM - 4:00PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason D. Cardone can be reached on 571/272-3933. The fax phone numbers for the organization where

Art Unit: 2145

this application or proceeding is assigned are 571/273-8300 for regular communications
and 571/273-8300 for After Final communications.

Thomas Duong (AU2145)

November 23, 2005


ZARNI MAUNG
SUPERVISORY PATENT EXAMINER